IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6819 OF 2005.

Bajaj Auto Limited. ... Petitioner.

V/s.

Vishwa Kalyan Kamgar
Sanghatana and others. ... Respondents.

J.P.Cama, senior counsel with Ms.Rashmi R. Shah
i/b. M/s.M.S.Bodhanwalla & Co. for the petitioner.

V.M.Parkar with M.D.Nagle for respondent No.2.

CORAM: V.C.DAGA, J.

DATED: 12th December 2005.

P.C.:

. Heard rival parties.

2. This petition is directed against the order dated 16th July, 2005 passed by the Industrial Court, Pune below Exh.C-2. The impugned order is an interim order passed while considering the prayer of the petitioner-complainant, whereby the petitioner was seeking injunction against respondent No.1 to restrain them from resorting to strike on 17th and 18th of July, 2005. Vide interim order this prayer of the petitioner- complainant was rejected.

3. As on date, the cause of action for the petitioner does not survive since the event

scheduled on 17th and 18th July, 2005 has already been taken place. In this view of the matter, it is not necessary to entertain this petition at this stage. However, it would be open to the petitioner-complainant to challenge the impugned order, if, ultimately, the petitioner suffers an adverse final order in the substantive Complaint (ULP) No.206 of 2005 and is required to approach higher forum.

4. It is needless to mention that the Industrial Court shall decide the complaint after recording evidence in accordance with law without getting influenced by this order. All rival contentions are kept open.

5. Reserving the aforesaid liberty in favour of the petitioner-complainant, petition stands disposed of with no order as to costs.

(V.C.DAGA, J.)